

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 8, 11 and 12 will be active in the application subsequent to entry of this Amendment.

The claims have been amended in order to direct them to preferred aspects of the disclosure. More specifically, claim 8 has been amended to delete “an organic phosphonic acid and an ester thereof” and to incorporate the definition of claim 10 into claim 8.

Claims 1-7, 9 and 10 have been canceled without prejudice or disclaimer in order to advance examination of this application.

In the Official Action two “provisional” double patenting rejections are raised. The first relates to co-pending application Serial No. 11/822,484. This application is still pending and there are not allowable claims in either 11/822,484 or (at least at present) the subject application. As this is a provisional rejection applicants will address it at such time as claims in one of the two applications are allowable. A full response on this part is held in abeyance until that time.

As to the second non-statutory obviousness-type double patenting rejection, item 3, page 3 of the Official Action, co-pending application 10/530,717 has issued as U.S. patent 7,413,195. In order to resolve this issue submitted herewith is a Terminal Disclaimer in respect of the ‘717 application, now issued.

The Official Action includes two prior art-based rejections. The first is based upon Greinke US 6,746,768 in view of Olstowski US 3,423,496 “as evidence by EP 0824134 A1”. It is unclear to counsel whether the cited EP published application is or is not relied upon as the basis for this rejection as it is not specifically included in the prior art identified as being pertinent to any of claims 1-12.

All of the previously pending claims also have been rejected as being unpatentable over von Bonin US 5,382,387 in view the ‘134 EP published application noted above which is applied as a prior art reference.

Perusing the rejections stated in items 1 and 11 of the current Official Action and the supporting sections of the Official Action, there is no specific discussion of claim 8 nor a specific discussion of claim 10 and certainly no discussion of a combination of the two claims as is now present in the current application. Accordingly, the cited prior art does not suggest the

subject matter of claim 8 as above amended nor claims 11 and 12 which add further requirements to the limitations of claim 8.

As the examiner will note independent claim 8 requires that the organic phosphorous compound is dispersedly contained in a proportion of 0.1 to 10% by weight in the sheet, and the organic phosphinic acid or the ester of it is represented by general formula (2), previously the subject matter of claim 10.

Neither von Bonin nor EP '134 describes or discloses a heat-resistant expanded graphite sheet having the features as defined by claim 8 as above amended.

Applicants also note that amended independent claim 8 includes features similar to the allowed claims in previously pending application 10/530,717 which has now been granted. Applicants submit that similar considerations apply to the present application and that claims 8 (as above amended), 11 and 12 are also in condition for allowance.

Should the examiner require further information, please contact the undersigned.

Respectfully submitted,

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